1

[G.R.S. IX—5]

Previous references.

1922.

File No. 32222

(Ref)

Serial Nos. 8

Later references.

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Case

Part B for [illegible] 23

SUBJECT

Forwards certain Suggestions on the proposal of Q. Mr M.A. Dorey and Hon. of the Reforms Committee in regard to the Constitutional developments in Uganda.

S68

Filed with no orders

(P) 14/(F)

Printed on the Multigraph.

30/11/23

G. R. S. III-2]

General and Revenue Secretariat.

Ref File No. 32 of 19 22.

Serial No.

Letter dated 15.6.23.

From

Sir K. A. Doreswamy Iyengar, K.B.E.,

Forwards certain suggestions on the proposals of the Reforms Committee

The observations have been tabulated under the respective heads separately

The letter has been acknowledged in this office No 25-28/Camp dated 25.6.23.

Submitted

Sir

This contains a number of suggestions in ~~[illegible]~~ almost every item of recommendations.

2/7

This does not seem to have been acknowledged. Please do that first & put up again.

2/7.

Consider all pains have been taken in the preparation of these representations, but they are, in most cases, not suggestions on the proposals of the Reforms Committee's proposals but alternative proposals.

There are some suggestions in respect of Sex disqualification

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 32 of 19 ar

Serial No.

Objection petitions on which will be put up for consideration when the points to which the relate are subject for orders.

No action is needed in respect of the other representations.

Chief Secretary. 1 3/7

Secy, 6/7 No action 6/7

7/7.

Note—Contn. sheet.

DIARY No. 779 — A Representation.

19 22 — 1923	
Section.	Rep
File No.	32-22
42353	8

From M. A. Doreswamy Iyengar M.A., B.L.,
High Court Vakil,
296, Lakshmivilas Agrahar,
Mysore.

To

The Chief Secretary
to the Govt. of Mysore,
Bangalore

RA
18 JUN 1923

to be forwarded to and placed before the Govt. of Mysore.

1. Preliminary

1. As a citizen interested in the Constitutional development of Mysore I desire I avail myself of the opportunity afforded by the Government to express my opinion on the Report of the Seal Committee and desire to submit the following suggestions for the consideration of the Govt.

2. At the very outset I express my loyalty and gratefulness to H. H. the Maharaja and His Govt. for having graciously responded to the popular demand by undertaking to introduce certain Constitutional Reforms.

3 But it is my emphatic opinion that the announcement of the Dewan and the Proposals of the Seal Committee are disappointing, inadequate and unsatisfactory

4

4. I am also of opinion that many of the proposals of the Seal Committee are highly reactionary. I view with grave concern the mystifying anti-democratic theories propounded by the Chairman of the said Committee in such an official Report. It seems to me that these theories are quite irrelevent and mischievous.

2. General Matters.

5. The Govt should announce that Responsible Govt by gradual steps and not mere association of the people in the administration of the State is the goal of Constitutional development in Mysore.

6. The Govt must also announce that within a period of 5 years from the date of the introduction of the present Reforms a Commission will be appointed to consider the progress effected and suggest a further instalment of Constitutional development.

No such announcement is called for. The future must depend on Constitutional action in time.

7. His Highness the Maharaja should be pleased to issue an enhanced Charter of Civil Liberty for Mysore guaranteeing in particular freedom of Opinion, of Speech, of Correspondence, of Writing, of Association, of Meeting, of Movement, and of Arms and of person.

8. I suggest that a Royal Proclamation be issued embodying the above-mentioned subjects.

3. The Executive.

9. This urgently needs changing to associate the people with the Executive Department and introduce popular element in the Executive Council.

10. Since neither Govt

nomination nor popular election is satisfactory I suggest a synthesis of both — that out of a panel of 5 non-officials selected by the Govt. a joint session of the Legislative Council & the Representative Assembly be allowed to elect one or two Executive Councillors who shall hold office during the term of the Chambers & shall not be solo reeligible.

11. The Executive Councillors should select their Secretaries from among the members of either House of Legislature who shall hold office during pleasure or during the term of their Chamber.

4. Legislature — General.

12. The Report allows considerable scope for Executive legislation which I desire should be reduced to a minimum and placed under proper limitations.

I hold that the reservation of powers referred to in paras 208 & 210 of the Report is quite unnecessary & unexpedient. I suggest that (1) Emergency legislation if any should all be effected exclusively on the responsibility of the Diwan & the Executive Council provided that (1) the Govt express -ly record their reasons for effecting it & state them to the public, (2) it lasts for a period of 6 months only, (3) its principles has not been directly or indirectly rejected by either House during a period of one year immediately next preceding the date of its promulgation, (4) it is assented to by H.H. the Maharajah, & (5) it shall lapse if either the L.C. or the L.C. expressly move its rejection during the period of its existence.

13. I am of opinion that the members of either House should have absolute rights of interpellation, resolution, free speech and attendance. Neither the Executive or the President of the House should disallow resolutions and inter-

pellations in either House. The number of interpellations and resolutions to be brought forward in the Houses should not be limited. Members should have absolute immunity from arrest or expulsion in attending the Houses and their speeches therein should be privileged and unfettered.

14 & I consider it would be highly prejudicial to public interests if members sending interpellations are made personally responsible for the accuracy of any statements contained therein. (P. 117 of Report).

15. I think that no provisions touching the power be necessary for private members to introduce any bills (P. 116).

16. ~~That~~ Provision ~~be~~ should be made in the Rules for motions for the reduction of salary of the members of the Govt. within well defined limits.

17. Each House must be allowed to define its own procedure and elect its own President who shall only exercise a Casting vote when there is an equality of votes.

18 The Report favours a Unicameral Legislature and the Chairman has now and again then said some hard things about Bi-Cameralism. There are many thinkers who hold that a Second Chamber is a clog on Democracy. But sound political theory and accepted usage ~~both~~ are both against Unicameralism. Whatever role Unicameralism might have in the Sphere of Local Govt. Bicameralism and Bicameralism alone is the most desirable form of legislature in the Sphere of the Central Govt. A Second Chamber will act as a delaying and revising body and will check hasty legislation. A Single Omnipotent Chamber tends to entrench a party or a clique in unrighteous autocracy, as they have only one Chamber to capture and manage. No political Society in this world will be ~~endowed~~ homostratic — composed of a single

Stratum. By its very nature it is composed of
Strata in almost every direction — wealth, education,
interest or function. A single Omnipotent Chamber
elected on adult universal suffrage will be representa-
tive of the average Stratum only — a low function
-ing section and one which rather follows and reflects
Public Opinion than creates and purifies it. And
a single Chamber which seeks to incorporate all
the different Strata and the diverse Special
Interests will be a loose confederation of possi-
bly irreconcilable interests and most undemolva-
ble, least capable of controlling the Executive.
It is therefore the accepted rule in practically every
Country in the world — in America, Germany, England,
France, Italy, Japan — that the more important
Chamber should be entirely reserved for popular
representation on a universal suffrage and to in-
corporate all the different social Strata and Spe-
cial Interests in a slightly subordinate Second
Chamber wherein the general popular interest
is also allowed a prominent share. Apart
from theory we have rightly or wrongly come to have
two Chambers — a L.C. which interpellates, resolves,
legislates and passes the Budget (in other words
forms the Legislative) and a R.A which Ventilates
administrative grievances. The trend of evolution
has so far been to make the R.A coordinate
in powers with the L.C. and not to take off the powers
of the latter. If the R.A. is sought to be made the
Sole Omnipotent Chamber reducing the L.C. into a
Committee of the R.A we have first to reach the
Stage where the R.A should have coordinate and
coequal powers and functions with the L.C and
thereafterwards proceed to the Second Stage of making
it all in all. So that till the first of these Stages is not
Complete our practical goal will be Bicameralism
and it is on that basis that we have to formulate
our proposals of Constitutional development at this
juncture.

8

The reforms proposed make the Legislative merely a Consultative body — a perfectly useless and wasteful institution in these days — and the R.A. the farce of a legislative chamber. The whole thing comes to this — if the Govt. wants to do anything they will undertake to merely inform the Houses their decrees; if the representatives desire to have anything they can petition to the Govt, but the Govt will give them a hearing to only such as they like and never promise to carry out their proposals. This is neither association of the people with the administration nor a step in Constitutional development. I therefore suggest the following alternative proposals which will neither be Catastrophic nor ultra conservative.

19. I suggest that both the Houses — the R.A & the L.C. should immediately have equal powers of legislation and taxation. All bills as a rule and money bills in particular should be initiated in the R.A.

20. Resolutions passed and grants withheld or ~~rejected~~ reduced ~~to~~ by both the Houses in succession should be made binding upon the Govt. in all the Non-Reserved subjects subject to the following proviso.

In case of a difference of opinion between the Houses upon any measure the Governor on his own responsibility may, within 10 days after the second of the Houses has expressed its opinion, elect to certify with reasons his concurrence with the opinion of any one of the Houses and send the same for Royal assent, which if given should make that measure the law of the land.

In such cases where the Governor does not elect to so certify within the said period the opinion of the R.A ~~shall~~ should be forwarded for Royal assent which if given must convert it into law.

21. As regards the 6 Reserved Subjects I contend that the people should not be deprived of the opportunity of obtaining information regarding them and expressing their views thereon which will however not bind the Govt.

I therefore suggest that either House should not be prevented from interpolating upon or discussing any subject whatsoever provided that in the case of the six Reserved subjects (1) the proceedings will be held in camera if the Govt. member present in the House so desires and (2) the resolutions thereon even if agreed to by both the Houses in succession shall only be recommendatory to the Govt.

5. The Electorate.

22. I suggest that candidates for membership of either House should be made to deposit with the Registration Officer as an earnest money the sum of Rs 100 which would be returned to them if they are returned unopposed or they obtain not less than $\frac{1}{10}$ of the total number of votes polled in their constituency, the sum otherwise being forfeited to the Govt.

23. I desire that all election objections petitions in the case of both the Houses should be allowed to be presented by the aggrieved party or a member of the public to the Court of the District Judge and be disposed of judicially, counsel being allowed to appear for the parties. The decision of the District Judge should be final.

24. I earnestly desire that sex disqualification for candidature to either House should immediately be removed.

25. I am of opinion that the qualifications for voters and candidates of Minority Associations should be the same as for other voters and candidates.

26. I suggest that the Age disqua-

lification for voters must be reduced from 21 to 18.

27. The property qualifications prescribed for voters and candidates in the case of either House should be reduced as follows —

1) in the case of voters for R.A Rs 10/- must be substituted for Rs 25/- and Rs 2/- for Rs 5/- wherever found. (Page 125 of the Report).

2) in the case of voters and candidates for L.C. the property qualifications must be reduced by one half. (pp 132-3).

28. In the case of the literary qualifications I suggest the following alternatives.

A. In the case of both the Houses (1) literacy in Kannada should be made indispensable for voters, for otherwise the illiterate voter being unable to read the ballot paper would be managed by wire-pullers and Bossism would reign all in all.

~~B. In the case of the R.A~~

(2) no person should be eligible as a candidate or member of either House if he has not completed the Kannada Lower Secondary course, or in the case of a person whose mother-tongue is not Kannada unless if he has not completed a Standard of education corresponding to the Lower Secondary class Standard in addition to his giving a declaration that he is proficient in the reading and writing of Kannada.

B. In the case of the L.C. the literary qualification apart from other qualifications will be as follows

(1) All persons who have completed the VII form or Upper Secondary or the Vidvat Entrance ~~examination~~ course or any other course corresponding to it and who ordinarily reside in the Constituency should be voters.

(2) All graduates of any University and Pandits and Vidwans of Mysore ordinarily resident in the Constituency shall be eligible as a member.

(28) In the case of the University Constituency the members must be elected by the Fellows and the registered graduates of the University.

29. The allotment of 4 seats to the Planting interest is excessive and it may be reduced to one seat. Or Zamindars may also be grouped with the Planters and a single large-estate or Zamindari Constituency be formed returning 4 members.

30 The number of Special Interests recognised is excessive. British India seems to have imported this kind of anamoly from old Austria-Hungary. No country in the World recognises any Special interest other than the University While in Federations the Constituent States form the sole Special interest monopolising the representation of the Second chamber. Since in our country we have are confronted with a large number of minority interests which are so only in name and do really form Special Interests of a pecuniar character, I suggest that as far as possible no Special Interest other than Minority Interests and the University Interest should be recognised for elective representation in the Legislature.

31. I am also of opinion that whatever Special and Minority Interests are recognised they must all be confined to one of the two Houses only - ultimately to the Second chamber.

6. The Representative Assembly.

32 All measures placed before the Assembly and all resolutions and amendments moved shall be put to Vote and the Opinion of the Assembly ascertained.

33. There should be three Ordinary Sessions of the R.A. styled respectively the Installa-

the Session in February, the Birthday Session in May or June, and the Dasara Session in September or October. A Special Session of the House may be convened either by the Standing Committee of the RA on the requisition of 25 members, or by the Govt.

34 The general Quorum of attendance of the R.A is excessive and may be reduced to 40. This ought especially to be done in the case of Motions for Adjournment.

7. The Legislative Council

35 A Session of the Council should invariably be convened whenever the RA meets.

36. The proceedings of the L.C. should be conducted exclusively in Kannada. Mysore is unique in being a completely bilingual. All Mohammadans without exception do know Kannada and even members of the Planting or Mining and the European community i.e. the interests are compelled to know it. Hence without any difficulty we can adopt Kannada. Even if there should be one or two members who do not know Kannada it is advisable to ask them to study it rather than compell the overwhelming majority to learn an alien tongue.

37. In case the Minority and Special Interests are all ~~sought~~ to be confined to the Council I suggest that Half of the total Strength must be reserved for popular election on a basis higher than that of the R.A. The number of Official members is excessive and may be reduced to 10.

38. I suggest that no member of the R.A should be elected to the L.C.

8. The Budget.

39. The division of the demands for grants into 28 major heads is inadequate and the Heads of account must be split up into a larger number of major heads.

40. The powers of the Govt

in respect of Emergency Taxation should be set aside as in the case of Emergency legislation.

41. The Houses should be allowed to freely discuss and vote upon the Budget of the 6 Reserved subjects also (wherever possible) provided that (1) the proceedings shall be held in Camera if the Govt. member present in the House so desires, and (2) the grants objected to even tho' by vote the Houses in succession shall only be recommendatory to the Govt.

42. I recognise that at this stage a reserve power of certification is necessary for the Govt. I therefore suggest that any grant withheld or reduced may be restored by the Governor on his certifying with reasons that it is necessary to do so in the interests of public welfare and good govt.

43. I suggest that in framing the Budget on a system of annual appropriations whether permanently settled (e.g. the Civil List) or annually settled should be adopted.

44. I also suggest that the appropriations for the Reserved subjects be permanently settled.

45. In addition, I suggest that the pay of the judges should also be permanently settled.

46. The Auditor-General whose pay is placed on the permanently settled appropriation list must be appointed to supervise the appropriations and audit the accounts. and he should send an Annual Report to the joint Standing Committee for Public Accounts for discussion.

9. Standing Committees.

47. I think it is expedient and possible to form Standing Committees to the departments

of (1) Agricultural (2) Engineering (3) Mining in addition to those suggested by the Seal Committee.

48. The number of members for the Standing Committees must be increased to 8 — five from the R.A and three from the L.C

49. I suggest that a person elected to one of the Standing Committees should not at the same time be allowed to become a member of another Standing Committee.

50. The Standing Committee for Public Accounts & Appropriation should also be a Joint Committee of both the Houses.

10. Local Matters

51. The proposals of the Seal Committee regarding local subjects and the reorganisation of the Economic Conference are quite scrappy and superficial. The Govt must immediately appoint another Committee to enquire into and report thereon.

52. I am of opinion that the Economic Central Boards should not be institutions composed of a conglomeration of Special Interests but should be bodies of experts official and non-official, and of representatives of public opinion. I suggest that each of these 4 Central Boards should consist of 6 govt experts from the corresponding departments, 6 non-official experts nominated by the Govt, and 6 non-official members elected in equal half by the R.A & the L.C. to represent general public opinion.

53. I think it is desirable that the R.A should admit all such local subjects as are selected by its Standing Committees. I suggest that the definition of local subjects should be brought into conformity with that of Private Bills of the English Parliament.

M. A. Doraswamy Iyengar.

15th June 1923
Mysore